



United States Department of State

*United States Permanent Mission to the  
Organization of American States*

*Washington, D.C. 20520*

August 21, 2023

Mr. Pablo Saavedra Alessandri  
Registrar  
Inter-American Court of Human Rights  
P.O. Box 6906-1000  
San José, Costa Rica

**Re: Request for an Advisory Opinion by the Government of the United  
Mexican States  
CDH-SOC-1-2022  
Written Observations of the United States**

Dear Mr. Saavedra:

The United States Government has the honor of submitting to the Inter-American Court of Human Rights, pursuant to Article 73 of the Rules of Procedure of the Inter-American Court of Human Rights, observations on the request for an advisory opinion forwarded to the United States in the above-referenced matter on March 7, 2023. Please find enclosed the United States' observations. We trust this information is useful to the Court and thank the Court for its attention to this matter.

Please accept renewed assurances of my highest consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank O. Mora".

Frank O. Mora  
Permanent Representative

Enclosure: as stated.

**REQUEST FOR AN ADVISORY OPINION BY THE  
GOVERNMENT OF THE UNITED MEXICAN STATES  
CDH-SOC-1-2022  
WRITTEN OBSERVATIONS OF THE UNITED STATES**

Pursuant to Article 64.1 of the American Convention on Human Rights, the Government of the United States of Mexico (“Mexico”) has requested an advisory opinion of the Inter-American Court of Human Rights (the “Court”). Mexico’s request raises two primary questions. The first is presented as follows:

The responsibility of private entities engaged in the manufacture, distribution, and sale of firearms, in relation to violations of the protection of the rights to life and humane treatment arising from their negligence when developing their commercial activities, which directly threatens the lives of persons under the jurisdiction of the Member States of the Organization of American States.<sup>1</sup>

The second question is presented as:

The efforts that States must undertake to ensure a fair trial for the victims of the above-mentioned commercial practices, which are carried out by private entities engaged in the manufacture, distribution, and sale of firearms.<sup>2</sup>

Alongside these questions, Mexico raises additional specific questions concerning obligations arising from the American Convention on Human Rights (“American Convention”) and the International Covenant on Civil and Political Rights (“ICCPR”) and invites the Court to interpret such provisions in light of its request.<sup>3</sup>

**I. The Court should decline to exercise jurisdiction over a contentious case in the guise of a request for an advisory opinion.**

The United States questions the appropriateness of this Court considering Mexico’s request in the context of an advisory opinion. Mexico readily acknowledges this Court’s jurisprudence that “requests for an advisory opinion should not conceal a contentious case or seek to obtain prematurely a pronouncement on an issue or matter that could eventually be

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<sup>1</sup> Request for Advisory Opinion submitted by the United Mexican States regarding “the activities of private companies engaged in the firearms industry and their effects in human rights,” at 1 (November 2022) (hereinafter “Mexico 2022 Request”).

<sup>2</sup> *Id.* at 2.

<sup>3</sup> The United States notes that any interpretation rendered by the Court would not bind the United States. *See, e.g.*, Advisory Opinion OC-1/82, “‘Other Treaties’ Subject to the Consultative Jurisdiction of the Court (Art. 64 American Convention on Human Rights),” ¶ 51 (Sept. 24, 1982) (“It must be remembered, in this connection, that the advisory opinions of the Court and those of other international tribunals, because of their advisory character, lack the same binding force that attaches to decisions in contentious cases.”).

submitted to the Court through a contentious case.”<sup>4</sup> While Mexico’s request is phrased in general terms, it invites this Court to engage in factual and legal findings involving a particular bilateral situation that are beyond the Court’s jurisdiction and competence in the context of an advisory proceeding. For example, Mexico asks the Court to opine on the obligations of States with respect to activities of private firearms companies, the obligations of States with respect to regulation of commercialization of firearms, and the responsibility of States that allegedly fail to properly investigate, prevent, or sanction the conduct of firearms companies. Although the United States is not explicitly identified in the questions posed, the background section makes clear that the request is focused specifically on the United States – there, Mexico alleges “[o]f the guns recovered at crime scenes in Mexico, between 70%-90% were trafficked from the United States,” and “U.S. gun companies are aware of the massive illicit trafficking of their weapons into Mexico . . . [and] [d]espite this wealth of information, they have not implemented any public policy measures to monitor or discipline their distribution systems.”<sup>5</sup> The United States is not a party to the American Convention and has not accepted the contentious jurisdiction of the Court under Article 62. As such, and in keeping with a concern the Court has expressed in the past,<sup>6</sup> the Court should decline to exercise jurisdiction over a contentious case in the guise of a request for an advisory opinion.

Should the Court nevertheless consider Mexico’s request, there are specific elements of Mexico’s request that the Court should refrain from addressing. First, as Mexico also readily acknowledges, requests for an advisory opinion “should not be used as a mechanism to obtain a ruling on a matter disputed at the domestic level.”<sup>7</sup> Mexico fails to mention, however, that it currently has a lawsuit pending against U.S. firearms manufacturers in the U.S. Court of Appeals for the First Circuit. A key focus of that lawsuit concerns a U.S. statute, the Protection of Lawful Commerce in Arms Act (“PLCAA”), which precludes certain claims against firearms manufacturers and distributors in U.S. state and federal courts. Mexico simultaneously invites this Court to opine on laws limiting the jurisdiction of courts with respect to certain types of claims against firearms companies.<sup>8</sup> This Court’s jurisprudence counsels against exercising its jurisdiction in precisely this circumstance, and thus this Court should at a minimum decline to engage on this question.

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<sup>4</sup> Mexico 2022 Request at 4.

<sup>5</sup> *Id.* at 8.

<sup>6</sup> *See, e.g.*, Advisory Opinion OC-3/83 of September 8, 1983, “Restrictions to the Death Penalty,” Series A No. 3; cf. Advisory Opinion OC-1/82 of September 24, 1982, “Definition of Other Treaties Subject to the Interpretation of the Inter-American Court of Human Rights,” Series A No. 1, 22 ILM 51 (1983), para 24; Advisory Opinion OC-2/82 of September 24, 1982, “Entry into Force of the American Convention for a State Ratifying or Adhering with a Reservation,” Series A No. 2, 22 ILM 37, para 23.

<sup>7</sup> Mexico 2022 Request at 4.

<sup>8</sup> *Id.* at 5.

Second, as Mexico also acknowledges, requests for an advisory opinion “should not seek to resolve questions of fact.” However, several of Mexico’s specific questions invite the Court to make factual determinations based on assertions of fact included in Mexico’s request. For example, based on assertions about changes in U.S. firearms policy, Mexico asks the Court to advise on the appropriate scope of State regulations of firearms.<sup>9</sup> Similarly, Mexico includes in its request a series of factual assertions about the source of firearms in relation to the specific incidence of gun homicides and homicides generally in Mexico, and on that basis invites the Court to determine the appropriate remedies for victims of violence perpetrated with weapons from those sources.<sup>10</sup> The Court should decline to address these and any other similar fact-bound questions.

Finally, the United States respectfully submits that the Court should refrain from addressing elements of Mexico’s request that invite the Court to address the scope or enforcement of human rights obligations established outside of the Inter-American system, specifically the ICCPR. Article 64.1 does not charge the Court with interpreting the scope of treaties outside of the Inter-American system nor have parties to the ICCPR—which includes non-American state parties wholly beyond the Court’s jurisdiction—consented to the Court’s competency to interpret or render decisions concerning the terms therein. Accordingly, the Court should decline to address the scope of obligations under the ICCPR.

**II. Actions by private actors in and of themselves generally do not constitute violations of international human rights law, and the American Convention<sup>11</sup> and ICCPR<sup>12</sup> do not contain an obligation to prevent certain activities by private entities engaged in the firearms industry.**

Mexico’s request focuses in large part on “[t]he responsibility of private entities engaged in the manufacture, distribution, and sale of firearms, in relation to violations of the protection of the rights to life and humane treatment...” However, actions by private actors in and of themselves generally do not constitute violations of international human rights law. It is the United States’ longstanding position that as a general matter, with notable exceptions such as slavery, a human rights violation entails state action.<sup>13</sup> As such, the questions posed in Mexico’s request about the international responsibility of private entities engaged in the manufacture,

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> The United States notes that it is not a State Party to the American Convention.

<sup>12</sup> The United States maintains that Article 64.1 does not charge the Court with interpreting the scope of the ICCPR. Should the Court nevertheless address the scope of the ICCPR, the United States asserts that the ICCPR does not in any case contain the expansive obligations suggested in Mexico’s request, as explained here.

<sup>13</sup> See U.S. Observations on Human Rights Committee General Comment No. 36, ¶ 33; U.S. Observations on Human Rights Committee General Comment No. 31, ¶¶ 10-18; and U.S. Observations on Human Rights Committee Draft General Comment No. 35, ¶¶ 10-18.

distribution, and sale of firearms do not implicate obligations under international human rights law, including as it applies to the rights to life and humane treatment.

To the extent that Mexico's request suggests that States have an obligation to prevent certain activities by private entities engaged in the firearms industry, such an obligation cannot be found in the text of the American Convention<sup>14</sup> or the ICCPR. The absence of any such language is particularly notable when contrasted with other international conventions that specifically impose such obligations upon States Parties to prevent, in limited circumstances, certain types of misconduct by non-state actors. For instance, both the International Convention on the Elimination of All Forms of Racial Discrimination ("CERD") and the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") contain provisions that impose obligations upon States Parties, in the specific context of preventing discrimination, respectively, "by any persons, group or organization"<sup>15</sup> and "by any person, organization or enterprise."<sup>16</sup> The absence of any language to this effect in the enumerated provisions of the American Convention and the ICCPR reflects a decision by the drafters not to reach such conduct.

### **III. Other multilateral treaties and instruments directly focused on private actors and on the illicit manufacturing of and trafficking in firearms would be**

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<sup>14</sup> The United States acknowledges that the Court has held that in certain limited circumstances, "[a]n illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the [American] Convention." *Velásquez Rodríguez Case*, Judgment of July 29, 1988, ¶ 172, Inter-Am. Ct. H.R. (Ser. C) No. 4 (1988). However, the Court there did not state that such international responsibility arose any time the State had failed to prevent a crime committed by a private party; rather, the Court emphasized, "[w]hat is decisive is whether a violation of the rights recognized by the Convention has occurred with the support or the acquiescence of the government, or whether the State has allowed the act to take place without taking measures to prevent it or to punish those responsible." *Id.* ¶ 173. Regardless of the merits of that holding, the United States underscores that the facts presented in that case are distinguishable from those that form the basis for this request as the United States continues to undertake considerable efforts to prevent illicit trafficking in firearms.

<sup>15</sup> Convention on the Elimination of All Forms of Racial Discrimination art. 2(1)(d), *entered into force* Jan. 4, 1969, 660 U.N.T.S. 195 (U.S. ratification Nov. 20, 1994) (providing that States Parties undertake to "prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization."). Additionally, it should be noted that the United States has taken a reservation to the CERD precisely because of the broad reach of the aforementioned provision and the possibility that it could require the United States to regulate private conduct beyond that mandated by the Constitution and laws of the United States. *See UNITED STATES, INITIAL REPORT OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION* 55 (2000), *available at*: [http://www.state.gov/www/global/human\\_rights/cerd\\_report/cerd\\_report.pdf](http://www.state.gov/www/global/human_rights/cerd_report/cerd_report.pdf).

<sup>16</sup> Convention on the Elimination of All Form of Discrimination Against Women art. 2(e), *entered into force* Sept. 3, 1981, 1249 U.N.T.S. 13 (providing that States Parties undertake "[t]o take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise."). The United States is a signatory to CEDAW but has not ratified it.

**rendered superfluous should the Court find such expansive obligations in the American Convention and ICCPR.**

The existence of multilateral treaties and instruments directly focused on private actors and on the illicit manufacturing of and trafficking in firearms also undermines the proposition that the American Convention and ICCPR contain such expansive obligations. For instance, the United Nations Guiding Principles on Business and Human Rights (“UNGPs”), adopted by consent by the United Nations Human Rights Council on June 11, 2011, is the most widely accepted guidance regarding the roles of state actors and private entities with respect to the human rights impacts of business activities. While the UNGPs are nonbinding and do not create any obligations under international law, they recognize states’ existing duty to protect human rights,<sup>17</sup> including protection against human rights abuse within their territory and/or jurisdiction by third parties.<sup>18</sup> Likewise, the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct include principles and standards for responsible business conduct, including recommendations for businesses on best practices that respect human rights. The UNGPs, the OECD Guidelines, and other multilateral efforts to provide voluntary guidance on preventing and mitigating adverse human rights effects of business activity came into being in part because existing human rights treaties generally only impose obligations on states, not on private actors.<sup>19</sup>

More directly focused on the illicit manufacturing of and trafficking in firearms, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other related materials (“CIFTA”), adopted in 1997, is a binding multilateral agreement open to members of the Organization of American States to promote the establishment of controls and regulations on the illicit manufacturing of and trafficking in

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<sup>17</sup> See Human Rights Council, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Respect, Protect, and Remedy Framework,’” A/HRC/17/31 (21 March 2011) (“UNGPs”), General Principles at 6 (“Nothing in these Guiding Principles should be read as creating new international law obligations, or as limiting or undermining any legal obligations a State may have undertaken or be subject to under international law with regard to human rights”).

<sup>18</sup> UNGPs, I.A.1. at 8. That State duty “is a standard of conduct. Therefore, States are not per se responsible for human rights abuse by private actors.” UNGPs, I.A.1. at 7.

<sup>19</sup> In 2014, some members of the Human Rights Council expressed dissatisfaction with the nonbinding nature of the UNGPs and successfully supported a resolution to establish a working group with a mandate to “elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.” Human Rights Council Res. 26/9, U.N. Doc. A/HRC/RES/26/9 (July 14, 2014). The process to negotiate this instrument is still ongoing and includes a number of parties to the American Convention. In fact, the number of states that have been participating has only increased over time; if there were any broad understanding that states have obligations under the ICCPR or the American Convention with respect to business activity, the treaty process to elaborate new obligations for states to address the adverse human rights impacts of business activity would be superfluous.

firearms, ammunition, explosives, and other related materials.<sup>20</sup> Most notably, CIFTA mandates that parties criminalize certain offenses related to illicit trafficking in firearms, and that they establish procedures to license manufacturers of firearms and to mark firearms. Parties are required to exchange relevant information with other parties, in conformity with their respective domestic laws and applicable treaties, concerning authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, ammunition, explosives, and other related materials. Additionally, similar obligations pertaining to firearms, their parts and components and ammunition at the global level are found in the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (“UNTOC”), which is a multilateral instrument open to all states that was adopted in 2001.<sup>21</sup>

These instruments were adopted decades after the American Convention and the ICCPR. If the Court were to conclude that the American Convention and ICCPR contain obligations for private actors and obligations for states to prevent certain activities by private actors, it would lead to the illogical conclusion that states, decades later, adopted new instruments that contain provisions to prevent certain activities by private actors in the firearms industry that are redundant of obligations already included in the American Convention and ICCPR.

#### **IV. The United States is committed to stemming illicit trafficking in firearms.**

The United States affirms that, although there is no attendant obligation under the American Convention<sup>22</sup> or ICCPR, the United States government has taken action to combat the illicit trafficking in firearms, which is a significant priority for the United States. The United States’ longstanding commitment to stemming illicit trafficking in firearms is evident in federal legislation dating back to the enactment of the Omnibus Crime Control and Safe Streets Act of 1968 and the Gun Control Act of 1968 and their subsequent amendments. The two acts and their amendments established, among other things: a prohibition on engaging in the business of dealing in firearms without a license; prohibitions on licensed dealers selling firearms to out-of-state residents, minors, felons, and other prohibited individuals; requirements that licensed dealers maintain certain records, including records of all sales; and restrictions on the interstate transportation of firearms. The U.S. Congress also made it unlawful for an individual to make false statements in connection with the acquisition of a firearm from a licensed dealer. All these provisions, as well as investigations and prosecutions by United States Attorneys’ Offices and

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<sup>20</sup> Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other related materials, *entered into force* July 1, 1998, 2029 U.N.T.S. 55. The United States is a signatory to CIFTA but has not ratified it.

<sup>21</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, *entered into force* July 3, 2005, 2326 U.N.T.S. 208. The United States is not a party.

<sup>22</sup> The United States reiterates that it is not a State Party to the American Convention.

other U.S. Department of Justice components to enforce these provisions over the last few decades, have aimed to curb illicit firearms trafficking.

The United States has reinforced this commitment in recent landmark legislation enacted to prevent gun violence and combat illicit firearms trafficking along the U.S. border and elsewhere. Specifically, the “Bipartisan Safer Communities Act” (“BSCA”) amended U.S. law in the Gun Control Act to establish multiple new criminal offenses targeting illicit firearm transfers, including provisions specifically criminalizing (1) straw purchasing; (2) firearms trafficking; (3) the transfer of a firearm to a person the transferor knows or has reasonable cause to believe intends to sell or otherwise dispose of the firearm in furtherance of any federal or state felony or intends to sell or otherwise dispose of the firearm to any prohibited person; and (4) smuggling a firearm out of the United States with intent to engage in or promote conduct that constitutes any federal or state felony—or to attempt or conspire to do so—if the conduct would constitute a felony prosecutable in a court of the United States if it had occurred within the United States. The BSCA also provides that persons convicted under the straw purchasing and firearms trafficking offenses be subject to increased penalties in comparison to those under existing U.S. law, and particularly, that a person “affiliated with a gang, cartel, organized crime ring, or other such enterprise should be subject to higher penalties than an otherwise unaffiliated individual.” Further, the United States has also enacted recent legislation to strengthen overall border security. In the “Bipartisan Infrastructure Law,” the U.S. Congress allocated US\$3.4 billion to modernize ports of entry on U.S. southern and northern borders, supporting increased border security efforts and enhancing information sharing on illicit trafficking in firearms and other commodities.

Additionally, the United States and Mexico, through the *Bicentennial Framework for Security, Public Health, and Safe Communities* (adopted in October 2021 at the U.S. – Mexico High-Level Security Dialogue), have committed to increasing bilateral security cooperation including addressing the illicit trafficking of firearms and ammunition into Mexico. The United States continues its work, both unilaterally and with Mexico, to combat this illicit trafficking.

To that end, U.S. Departments and Agencies have taken significant efforts to stem the illicit trafficking of firearms in the region, and specifically in Mexico. The U.S. Department of Justice has prosecuted individuals responsible for trafficking firearms to Mexico, including under the new BSCA provisions. For example, on June 6, 2023, a Texas man who illegally exported firearms to Mexico for use by cartels pleaded guilty to firearm and drug offenses.<sup>23</sup> On May 24, 2023, the United States and Mexico announced the arrest of a leader of a transnational firearms

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<sup>23</sup> U.S. Attorney’s Office, Southern District of Texas, Press Release (June 6, 2023), <https://www.justice.gov/usao-sdtx/pr/felon-admits-manufacturing-and-selling-automatic-weapons-mexican-cartel>.



trafficking organization.<sup>24</sup> Four U.S.-based individuals with alleged ties to the organizations were indicted for firearms trafficking offenses in December 2022. In another case, in May 2023, five Utah residents were charged with offenses related to firearms they had planned to transport to Mexico.<sup>25</sup> These are just a sample of the ongoing prosecutions of firearms offenses.

U.S. Departments and Agencies have also provided support to important capacity building programs.<sup>26</sup> To provide some examples: the Department of State and the Department of Justice’s Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) have trained more than 4,000 Mexican officials across a range of topics, including the identification of firearms and explosives and the use of ATF’s eTrace system for tracing firearms recovered in criminal investigations;<sup>27</sup> the Department of State and Department of Justice’s International Criminal Investigative Training Assistance Program (“ICITAP”) have been assisting the international accreditation of 25 ballistics sections in 19 Mexican states and the Federal Attorney General’s Office (“FGR”), including with support for ballistics analysis equipment, mobile laboratories, and technical assistance; ATF has assisted partner governments in bona fide law enforcement investigations by tracing recovered firearms, which provides investigative leads and helps law enforcement agencies in partner countries to link disparate criminal acts; ATF has significantly increased its ability to interdict firearms and stop illicit firearms traffickers through Operation Southbound, a whole-of-government enforcement strategy that incorporates information sharing and the use of ATF’s Firearms Trafficking Task Forces to identify, disrupt, and dismantle illicit firearms trafficking networks;<sup>28</sup> and the Department of State has worked with U.S. Customs and Border Protection (“CBP”) in the training of Mexican officials, including on the use of non-

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<sup>24</sup> U.S. Attorney’s Office, District of Arizona, Press Release (May 24, 2023), <https://www.justice.gov/usao-az/pr/cooperation-between-united-states-and-mexican-law-enforcement-leads-mexican-takedown>.

<sup>25</sup> U.S. Attorney’s Office, District of Utah, Press Release (May 4, 2023), <https://www.justice.gov/usao-ut/pr/multiple-men-indicted-utah-firearm-offenses-including-allegedly-attempting-smuggle-34>.

<sup>26</sup> The Department of State provided a total of US\$38 million for capacity building programs in fiscal years 2015 through 2019 to Mexico, which included activities related to combatting illicit firearms trafficking—for example, training on firearms-trafficking investigations.

<sup>27</sup> The Department of State and ATF have steadily built Mexico’s eTrace capacity, resulting in a nearly 40 percent increase in the number of firearms traces submitted by Mexico from 2017 to 2022, enhancing parallel illicit firearms trafficking investigations. As a result of these efforts, nearly 12,000 traces were submitted to ATF by Mexican government agencies in the first half of FY 23, and over a third of those were successfully traced to a purchaser.

<sup>28</sup> Operation Southbound deployed interagency Firearms Trafficking Task Forces to cities along the Southwest border. These efforts resulted in the seizure of nearly 2,000 firearms in the first half of FY23 – a 65.8% increase over the same period in FY22. Through Operation Without a Trace, the Department of Homeland Security (“DHS”) and ATF have partnered to identify, target, seize, and investigate firearms procurement and smuggling networks to disrupt and dismantle their illegal gun trafficking operations. Since its inception, Operation Without a Trace has led to over 700 arrests and the seizure of over 1,900 firearms and over 850,000 rounds of ammunition.

intrusive inspection equipment and detection canines, to assist in the interdiction of weapons and other contraband.<sup>29</sup>

Likewise in the Caribbean region, the United States has undertaken significant actions to address illicit firearms trafficking. The United States, the Dominican Republic, and Caribbean Community (“CARICOM”) States are actively partnering to effectively address the shared responsibility to combat illicit trafficking in firearms. National firearms authorities met in Trinidad and Tobago in April 2023, to advance U.S.-Caribbean cooperation to address illicit firearms trafficking. The CARICOM Implementation Agency for Crime and Security (“IMPACS”) hosted the meeting under the auspices of the Caribbean Basin Security Initiative (“CBSI”). Firearms authorities reaffirmed their commitment to implement the CBSI Firearms Trafficking Priority Actions adopted by CARICOM Heads of Government in May 2019 and identified 18 additional priority actions to combat illicit firearms trafficking as an addendum to the 2019 Priority Actions.

The United States has also invested over US\$832 million in the Caribbean through the CBSI to combat illicit firearms trafficking, increase public safety and security, and promote social justice. As part of this effort, the United States continues to coordinate law enforcement programs with the Dominican Republic and CARICOM States. The Department of State provided over US\$8 million to Caribbean countries for capacity-building programs over the past five years, which included activities related to illicit firearms trafficking, such as training on firearms-trafficking investigations, ballistic forensic training, weapons stockpile management and destruction, and firearms marking and tracing. In November 2022, IMPACS inaugurated the Caribbean Crime Gun Intelligence Unit (“CCGIU”), which supports CARICOM Member States with respect to seizing firearms, related parts, and components as well as with respect to identifying, charging, and prosecuting co-conspirators for firearms crimes. The CCGIU works closely with international and U.S. law enforcement partners including ATF and U.S. Homeland Security Investigations. Finally, as announced in June 2023, the Department of Justice has created a working group to focus on firearms trafficking across the Southwest Border and announced the creation of a Coordinator for Caribbean Firearms Prosecutions to amplify ongoing efforts to disrupt cross-border firearms trafficking in the region.

## **V. Conclusion**

The illicit trafficking in firearms is an issue of significant concern to the United States, and the United States government is engaged in extensive efforts to combat this problem both through domestic initiatives and international engagement. However, for the reasons stated above, the United States submits that the Court should decline to consider Mexico’s request for

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<sup>29</sup> CBP also shares information on criminal activity, including firearms smuggling, with partner countries in the Americas.

an advisory opinion, and to the extent the Court reaches any part of Mexico's request, the Court should reject it.